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| 10/076,552 | 02/19/2002 | Joshua Charles Harrison | | 1793 |

7590 10/22/2003

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EXAMINER

BOTTORFF, CHRISTOPHER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3618

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,552

Applicant(s)

HARRISON, JOSHUA CHARLES

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The preliminary amendment filed May 29, 2003 has been entered. Claims 1-19 are pending.

Election/Restrictions

Applicant's election with traverse of Species III depicted in Figures 11-14 and defined in claims 1 and 5-9 in Paper No. 10 is acknowledged. Claims 2-4 and 10-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Although claims 2-4 and 10-19 are withdrawn, they are not canceled and remain pending. Applicant timely traversed the restriction (election) requirement in Paper No. 10.

The traversal is on the ground(s) that independent claim 1 is allowable and generic to the species shown in Figures 3-16, independent claim 10 is allowable and generic to the species shown in Figures 17-19, and Species V depicted in Figures 17-19 is an obvious variant of Species I depicted in Figures 5-8. This is not found persuasive.

Applicant's admission that Species V, as depicted in Figures 17-19, is an obvious variant of Species I, as depicted in Figures 5-8, is acknowledged. Species I is now recognized as including the embodiments of Figures 5-8 and 17-19, which are not patentably distinct, and no embodiments are identified as Species V. However, Applicant elected Species III for examination, and the relationship of the embodiments depicted in Figures 5-8 and 17-19 is immaterial to the examination of Species III.

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Applicant's admission that claim 1 is generic to Species II-IV and the features of Species I depicted in Figures 5-8 is acknowledged. In the event that independent claim 1 is allowed in a form generic to these additional embodiments, dependent claims 2-4 will be rejoined and allowed. Furthermore, claim 1 is not allowable, as indicated in the below rejection.

In addition, Applicant's admission that claim 10 defines the embodiment of Species I depicted in Figures 17-19 is acknowledged. Since claims 10-19 are not currently generic to elected Species III, claims 10-19 will not be rejoined unless they are amended such that they are generic to Species III. In the event that claims 10-19 are not amended to make them generic to Species III, allowance of the present application may be delayed pending the cancellation of these claims.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 19, 2002 was considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnitzhofer US 6,209,904 in view of Balmain US 5,782,475.

Schnitzhofer discloses a safety device on snowboarding equipment. The safety device comprises two binding support platforms 2a, 2b, 22 and a platform retention assembly 1a, 1b, 3a, 3b, 4, 12, 13a, 13b fastened to the snowboard, wherein a binding is fastened to each binding support platform respectively. See Figure 3. The platform retention assembly includes a plurality of preloaded compliant members 3a, 3b that form interfaces 22 with contours along the edges of the binding support platforms. See Figures 4 and 5. The platform retention assembly further includes a plurality of firm features 12 that contact firm mating features of the binding support platforms defined by the outer edges of the binding support platforms. See Figure 3. The firm features and firm mating features are arranged such that the contacts between them, when projected onto the plane of the snowboard, are all tangent about one mutual center point.

The platform retention assembly includes two distinct underlying plate pieces 1a, 1b that are each fastened to the snowboard. The firm features of the platform retention assembly are firm features of one or more of the plates that are components of the platform retention assembly. At least three preloaded compliant members are provided. Also, the contours include facets formed by a beveled surface along the lower edge of the contour that facilitate forcible reattachment of the binding support platforms onto the platform retention assembly. See Figure 7.

Schnitzhofer does not disclose one binding support platform to which both bindings are fastened. However, Balmain teaches that the practice of providing a

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binding support platform as one platform 100 to which two bindings are fastened was old and well known in the art at the time the invention was made. See column 4, lines 14-18, and Figure 1. From the teachings of Balmain, providing the two linked platforms of Schnitzhofer as one platform to which two bindings are fastened would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow the entire binding support platform to be attached to the platform retention assembly in one step, rather than having to manipulate two separate platforms.

Note that claiming the structure of the firm features with greater specificity would be favorably considered.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beyl, Besser, Freegard, Erlebach, Jackson, Wulf, Marker, Solomon, Gertsch et al., Dennis, Besnier, Besnier et al., and Fauvet disclose safety devices for gliding boards.

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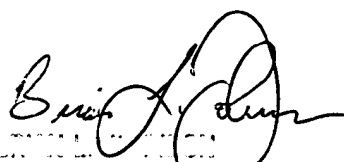
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher Bottorff


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10/20/03